

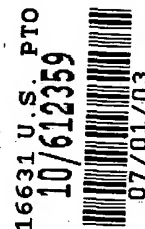


Patent
Attorney Docket: 161,700-052

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 161,700-052
First Named Inventor: BARBUT, Denise R.
Prior Application Information:
Serial No. 09/658,482
Examiner: (unknown)
Art Unit: (unknown)

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



FILING UNDER 37 C.F.R. §1.53(b)

This is a request for filing for a divisional application under 37 C.F.R. §1.53(b) of prior application Serial No. 09/658,482, filed on September 7, 2000 by BARBUT, Denise R., entitled:

**AORTIC SHUNT FOR SELECTIVE CEREBRAL PERFUSION
IN STROKE AND CARDIAC ARREST**

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

APPLICATION ELEMENTS ENCLOSED

- 15 Page(s) of Written Description
5 Page(s) of Claims
1 Page(s) of Abstract
7 Sheet(s) of Drawings ☒ formal ☐ informal
3 Page(s) of ☐ Declaration or ☒ Declaration and Power of Attorney
☒ Copy from prior application [37 CFR §1.63(d)]
☐ Newly executed
Other: _____
☐ Assignment papers (cover sheet and documents(s))
☒ An Information Disclosure Statement, PTO 1449, ☐ with copies of cited items.
☒ Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35

CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

EV337189886US
Express Mail Label No.

July 1, 2003
Date of Deposit

Cynthia B. Pacheco
Cynthia B. Pacheco

FEE CALCULATION

- ☒ Applicant claims small entity status under 37 C.F.R. §1.27.

BASIC FILING FEE:							\$750.00
Total Claims	20	-	20	=	0	x \$18.00	\$0.00
Independent Claims	2	-	3	=	0	x \$84.00	\$0.00
Multiple Dependent Claims	\$280	(if applicable)				<input type="checkbox"/>	\$0.00
TOTAL OF ABOVE CALCULATIONS							\$750.00
Reduction by ½ for Filing by Small Entity.							<input checked="" type="checkbox"/> \$375.00
Misc. Filing Fees (Recordation of Assignment)							\$0.00
TOTAL FEES DUE HERewith							\$375.00

PRIORITY - 35 USC § 119

- ☐ Priority of application Serial No. _____ filed on _____ in Country is claimed under 35 USC § 119.
- ☐ The certified copy has been filed in prior U.S. application Serial No. _____ on _____.
- ☐ The certified copy will follow.

AMENDMENTS

- ☐ Cancel in this application original claims _____ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes if no new claims are added in a preliminary amendment.)
- ☐ A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

RELATE BACK - 35 USC § 120

- ☒ Relate back information included in preliminary amendment or specification.
- ☐ Please amend the specification as follows:
- ☒ With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 C.F.R. §1.53(b)(1)]:
- ☒ the same.
- ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 C.F.R. §§ 1.33(b) and 1.63(d)(2)]:

METHOD OF PAYMENT OF FEES

- ☒ Attached is a check in the amount of \$ 375.00.
- ☐ Charge O'Melveny & Myers's Deposit Account No. 50-0639 in the amount of _____.
- ☐ Not attached. No filing fee is submitted. [This and the surcharge required by 37 C.F.R. §1.16(e) can be paid subsequently.]

AUTHORIZATION TO CHARGE ADDITIONAL FEES

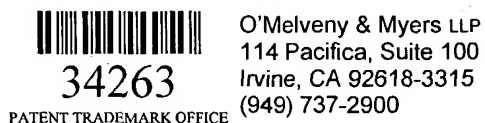
The Commissioner is hereby authorized to credit O'Melveny & Myers's Deposit Account No. 50-0639 for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. 50-0639:

- ☒ 37 CFR § 1.16 (Filing fees and excess claims fees)
- ☒ 37 CFR § 1.17 (Application processing fees)
- ☐ 37 CFR § 1.21 (Assignment recordation fees)

POWER OF ATTORNEY & CORRESPONDENCE ADDRESS

- ☒ The power appears in the original papers in the prior application.
- ☐ The power does not appear in the original papers, but was filed on _____ in prior application Serial No. _____.
- ☐ A new power has been executed and is attached.

Please send all correspondence to Customer Number 34263:



Please direct all inquiries to John Kappos, at the above Customer Number.

MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION

- ☐ A petition, fee and response has been filed to extend the term in the pending prior application until _____. A copy of the petition for extension of time in the prior application is attached.

- ☐ A conditional petition for extension of time is being filed in the pending prior application. A copy of the conditional petition for extension of time in the prior application is attached.

ABANDONMENT OF PRIOR APPLICATION

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item V above.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: June 30, 2003

By: John Kappos
John Kappos
Reg. No. 37,861
Attorneys for Applicants

JCK/cp
Enclosures

CoAxia, Inc.
Name of Assignee

10900 73rd Avenue North, Suite 112, Maple Grove, MN 55369-5400
Address of Assignee

President
Title of person authorized to sign on behalf of assignee

Assignment recorded in PTO on January 3, 2001, at Reel 011402, Frame 0979.

IR1:1044595.1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	BARBUT, Denise R..
Title	AORTIC SHUNT FOR SELECTIVE CEREBRAL PERFUSION IN STROKE AND CARDIAC ARREST
Atty. Docket Number	161,700-052

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

June 30, 2003

Date

Signature

(949) 737-2900

Telephone number

John Kappos

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, PO Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.